

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRENCE GARRETT,

Plaintiff,

Case Number: 09-13141
HONORABLE AVERN COHN

v.

STATE TROOPER ADAMS, et al,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. No. 69)
AND
DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (Doc. No. 48)

I.

This is case under 42 U.S.C. § 1983. Plaintiff, a state prisoner proceeding pro se, is suing several defendants claiming his constitutional rights were violated during his arrest. The matter has been referred to a magistrate judge for all pre-trial proceedings.

Plaintiff filed a motion for default judgment against defendants. Defendants responded. The magistrate judge issued a report and recommendation (MJRR) recommending that the motion be denied because defendants timely responded to the Amended Complaint.¹

¹Indeed, all defendants are represented and recently filed dispositive motions. See Doc. Nos. 75, 78,79, and 80.

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Plaintiff's motion for default judgment is DENIED.

SO ORDERED.

Dated: September 30, 2010

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Terrence Garrett, #219254, Florence Crane Correctional Facility, 38 Fourth Street, Coldwater, MI 49036 and the attorneys of record on this date, September 30, 2010, by electronic and/or ordinary mail.

s/Shawntel Jackson
Case Manager, (313) 234-5160